



Town of Moultonborough Zoning Board of Adjustment

Notice of Decision Request for Variance Scott & Lisa Crabtree Tax Map 189, Lot 17

August 5, 2016

Applicant: Scott & Lisa Crabtree
PO Box 607
Moultonborough, NH 03254

Location: 32 Arrow Trail, Moultonborough, NH (Tax Map 189, Lot 17)

On August 3, 2016, the Moultonborough Zoning Board of Adjustment opened a public hearing on the application of Scott and Lisa Crabtree (hereinafter referred to as the "Applicant" and/or "Owner") for a variance from Article III.B.1 & B.3, to allow for the construction of a garage within the side & front property line setbacks (proposed side setback 13, ft. where 20 ft. is required; proposed street setback 22 ft. where 25 ft. is required) on the parcel located in the Residential Agricultural (RA) Zoning District.

Based on the application, testimony given at the hearings, and additional documentation and plan(s), the Board hereby makes the following findings of fact:

- 1) The property is located at 32 Arrow Trail, Moultonborough, NH (Tax Map 189, Lot 187).
- 2) The applicants are the owners of record for the lot.
- 3) The applicant was represented at the Public Hearing by Dan Ellis of Ames Associates and Mr. & Mrs. Crabtree were present at the hearing.
- 4) The lot is located in the Residential Agricultural (RA) Zoning District, and the residential use is a use allowed by right in that district.
- 5) The proposal is for the construction of a garage within the side and front property line setbacks (proposed side setback located 13 ft. where 20 ft. is required and proposed street setback 22 ft. where 25 ft. is required).

- 6) The project will require an approved NH DES Shoreland Impact Permit.
- 7) No members of the public wished to speak during the Public Hearing.
- 8) Granting the Variance would not be contrary to the public interest as the proposed project seeks to replace a small shed with a one-car garage in a reasonable and practical location that seeks to minimize setback non-conformities, disturbance to existing trees and interference with existing parking and snow storage areas, on a very small lot.
- 9) Granting the Variance would be consistent with the spirit of the Ordinance because the variance request to replace a small shed with a one-car garage in a reasonable and practical location that seeks to minimize setback non-conformities, disturbance to existing trees and interference with existing parking and snow storage areas, on a very small lot.
- 10) By granting the Variance, substantial justice would be done because the project is to add a modest garage to the property in a location that is the most practical without impeding use of the existing parking, snow storage and lawn areas. The proposed use and configuration is reasonable and does not cause any harm to the abutters or the public. There would be no gain to the public benefit by denying the variance.
- 11) Granting the Variance would not diminish the value of surrounding properties as the construction of a garage will increase the value of the subject property which should indirectly increase the value of surrounding properties. There is no detrimental effect on any of the surrounding properties.
- 12) Special conditions exist such that a literal enforcement of the provisions of the Ordinance will result in unnecessary hardship as the lot is much smaller than would be allowed under current regulations, and the "buildable area" after applying current setback requirements is approximately 12 feet wide. The lot is unique in that Arrow Trail ends at this property, which means that the 25' setback is measured from a line which otherwise would be viewed as a side lot line rather than a "front" property line.

On August 3, 2016, the Zoning Board of Adjustment voted by a vote of five (5) in favor (Stephens, Bickford, Zewski, St. Peter, Onthank) and none (0) opposed to **GRANT** the request for a side and front setback variance, subject to the following condition: 1) The required NH DES Shore Land Permit being submitted at time of Building permit application to the Code Enforcement Officer; and to close the Public Hearing. They moved to direct Staff to draft a formal Notice of Decision for review and approval for signing at the next meeting.

The Board of Adjustment, on August 17, 2016, approved this formal Notice of Decision language and authorized the Chairman to sign the Notice of Decision and send to the applicant and place same in the case file by a vote of (5) in favor (Stephens, Bickford, Zewski, St. Peter, DeMeo), none (0) opposed.

The decision made to grant the variance on August 3, 2016, shall not take effect until thirty (30) days have elapsed and no request for rehearing has been filed in accordance with RSA 677:2, or

August 5, 2016
TM 189-17

that if such request has been filed, it has been dismissed or denied, in accordance with RSA 677:3.

A handwritten signature in black ink, appearing to read "Robert H. Stephens", written over a horizontal line.

Robert H. Stephens
Chairman, Zoning Board of Adjustment

Date 8-18-16